

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEE E. HAGGERTY,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:21-cv-1248 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has filed objections to the August 2, 2022 findings and recommendations which recommended dismissing the case for failure to file an amended complaint. ECF No. 13. In his objections, plaintiff states that in May 2022 he filed a motion for an extension of time to file an amended complaint, and then filed an amended complaint in June 2022. *Id.* at 1. It appears that neither of these documents were received by the court. In light of plaintiff's representation that he submitted an amended complaint, which clearly demonstrates an intent to pursue this case, the findings and recommendations will be withdrawn and plaintiff will be given an opportunity to resubmit his amended complaint.

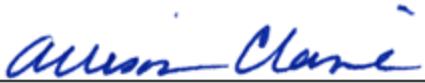
Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations at ECF No. 12 are WITHDRAWN; and

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2. Within thirty days of the service of this order, plaintiff shall file an amended complaint. Failure to comply will result in a recommendation that this action be dismissed.

DATED: August 17, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE